

DARIN W. SNYDER (S.B. #136003) – dsnyder@omm.com  
LUANN L. SIMMONS (S.B. #203526) – lsimmons@omm.com  
O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28th Floor  
San Francisco, CA 94111-3823  
Telephone: (415) 984-8700  
Facsimile: (415) 984-8701

Attorneys for Plaintiff  
Artifex Software, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

ARTIFEX SOFTWARE INC., a California  
corporation,

Plaintiff,

v.

DIEBOLD INC., an Ohio corporation,  
PREMIER ELECTION SOLUTIONS, INC.,  
a Delaware corporation,

Defendants.

Case No. C 08-04837 SC EMC

**STIPULATED DISMISSAL OF ALL  
CLAIMS WITH PREJUDICE AND  
~~[PROPOSED]~~ ORDER**

**STIPULATION**

Plaintiff Artifex Software, Inc. ("Plaintiff") and Defendants Diebold Inc. and Premier Election Solutions, Inc. ("Defendants") hereby agree and stipulate as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff hereby dismisses with prejudice all claims asserted against Defendants.

2. Plaintiff and Defendants shall each bear their own attorneys' fees and costs incurred in connection with this action.

**SO STIPULATED.**

Dated: June 25, 2009

O'MELVENY & MYERS LLP

By: /s/ Luann L. Simmons

Luann L. Simmons

Darin W. Snyder (SBN 136003) dsnyder@omm.com

Luann L. Simmons (SBN 203526) lsimmons@omm.com

O'MELVENY & MYERS LLP

Two Embarcadero Center, 28<sup>th</sup> Floor

San Francisco, CA 94111-3823

Telephone: 415-984-8700

Facsimile: 415-984-8701

Attorneys for Plaintiff

ARTIFEX SOFTWARE, INC.

Dated: June 25, 2009

JONES DAY

By: /s/ Gregory L. Lippetz

Gregory L. Lippetz

Tharan Gregory Lanier (SBN 138784)

tglanier@jonesday.com

Gregory L. Lippetz (SBN 154228) glippetz@jonesday.com

Jane L. Froyd (SBN 220776) jfroyd@jonesday.com

JONES DAY

Silicon Valley Office

1755 Embarcadero Road

Palo Alto, CA 94303

Telephone: 650-739-3939

Facsimile: 650-739-3900

Attorneys for Defendants

DIEBOLD, INC. and PREMIER ELECTION SOLUTIONS, INC.

1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest  
2 under penalty of perjury that concurrence in the filing of the document has been obtained from  
3 Gregory L. Lippetz.

4 Dated: June 25, 2009

By: /s/ Luann L. Simmons  
Luann L. Simmons

Attorneys for Plaintiff  
ARTIFEX SOFTWARE, INC.

8 IT IS SO ORDERED

9 Dated: June 25, 2009



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